

Policy/Regulation Revisions

FD/FD-R – Facilities Funding
GBED – Tobacco-Free Schools/Use by Employees Prohibited
JICG – Tobacco-Free Schools/Use by Students Prohibited
JLG/JLG-R – Instruction/Programs for Homeless Students
KF/KF-R – Community Staff/Use of District Facilities

EXECUTIVE SUMMARY

Purpose: To bring to the School Board the above policies and regulations for review/revision.

In an effort to keep the School Board policies updated, members of the administration and the Policy Review Committee will continually review the policies and regulations for items that need to be added, deleted, revised, or in some cases, to update the language.

The referenced policies/regulations have been reviewed by administration and the Policy Review Committee. Given the minimal revisions to the policies and regulations, second readings are not necessary. (See Policy BG – School Board Policy Process).

FD/FD-R – *Facilities Funding* – No changes;
GBED – *Tobacco-Free Schools/Use by Employees Prohibited* – Updated to include language on vapor products;
JICG – *Tobacco-Free Schools/Use by Students Prohibited* -- Updated to include language on vapor products;
JLG/JLG-R – *Instruction/Programs for Homeless Students* – Updated language to include oral appeal process;
KF/KF-R – *Community Staff/Use of District Facilities* -- Updated to include language on vapor products.

Policy Review Recommendation to School Board: Approve review/revision of the above policies and accompanying regulations.

**Facilities Planning and Development****Facilities Funding****Method of Financing**

The purchase of school sites and buildings shall be financed by issuance of general obligation bonds, tax levy for the Capital Outlay Fund, and such other funds as may be legally available for these purposes.

Bonded Indebtedness

Legal limitations regarding the amount of bonded indebtedness shall be in accordance with State law. Cost determination for new construction and renovation projects, bond limitations, and bond sale shall be responsibilities of the Superintendent or designees, and are subject to review and approval by the School Board.

Accumulation of Funds

The Board may authorize an annual tax, not to exceed the amount prescribed by State law, for the Capital Outlay Fund of the District. Money received from the sale of bonds shall be placed in a capital project fund for which the bonds were sold. Money can be expended only for purposes described by State law.

Short-Term Borrowing

The Board shall have the authority to borrow money by promissory note, subject to limitations and regulation of State statutes.

Types of Bonds

The Sioux Falls School District is authorized to issue negotiable bonds only for purposes, and according to procedures, prescribed by State law.

Post-Issuance Compliance for Tax-Exempt and Tax-Advantaged Obligations

It is the policy of the District to set forth procedures designed to monitor post-issuance compliance of tax-exempt or tax-advantaged obligations ("Obligations") issued by the District with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder ("Treasury Regulations").

This policy's accompanying regulation documents practices and describes various procedures and systems designed to identify on a timely basis facts relevant to demonstrating compliance with the requirements that must be satisfied subsequent to the issuance of Obligations in order that the interest on such Obligations continue to be eligible to be excluded from gross income for federal income tax purposes or that the Obligations continue to receive tax-advantaged treatment. The federal tax law requirements applicable to each particular issue of Obligations will be detailed in the arbitrage or tax certificate prepared by bond counsel and signed by officials of the Issuer and the post-closing compliance checklist provided by bond counsel with respect to that issue. Additionally, this policy/regulation establishes a permanent, ongoing structure of

practices and procedures that will facilitate compliance with the requirements for individual borrowings. Compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the Obligations, and is an integral component of the District's debt management. Accordingly, the analysis of those facts and implementation of this policy will require on-going monitoring and consultation with bond counsel and the Issuer's accountants.

At its annual meeting, the Board shall review and approve a post-issuance compliance questionnaire designed to ensure compliance with relevant District policies as well as relevant State and Federal statutes, rules, and regulations.

Legal References: South Dakota Constitution, Article XIII, Section Four

SDCL:

13-16-1 Sources of school district funds

13-16-2 Funds to comport with generally accepted accounting principles

13-16-6 Definition and use of capital outlay fund-Levy required

13-16-7 Additional tax levy for certain funds or obligations-Pledge to payment of installments or certificates-Remedies for enforcement

13-16-8 Bond and certificate proceeds placed in capital outlay fund

13-16-9 Expenditure of money from capital outlay fund

Ch. 13-19 School District Bonds and Notes

US Code: Title 26

26 Code of Federal Regulations

Policy	Board Action	(formerly 7310, 7311, 7313, and 7311.21)
adopted: 05-28-68		
amended: 06-14-76		
amended: 08-12-02	33307	
amended: 06-09-14	36932	

**Facilities Planning and Development****Facilities Funding****Post-Issuance Compliance for Tax-Exempt and Tax-Advantaged Obligations**

The following procedures are designed to monitor post-issuance compliance of tax-exempt or tax-advantaged obligations ("Obligations") issued by the Sioux Falls School District with applicable provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and regulations promulgated thereunder ("Treasury Regulations").

General Procedures

- A. The Business Manager (the "Compliance Officer") shall be responsible for monitoring post-issuance compliance issues.
- B. The Compliance Officer will coordinate procedures for record retention and review of such records.
- C. All documents and other records relating to Obligations issued by the Issuer shall be maintained by or at the direction of the Compliance Officer. In maintaining such documents and records, the Compliance Officer will comply with applicable Internal Revenue Service ("IRS") requirements, such as those contained in Revenue Procedure 97-22.
- D. The Compliance Officer shall be aware of options for voluntary corrections for failure to comply with post-issuance compliance requirements (such as remedial actions under Section 1.141-12 of the Regulations and the Treasury's Tax-Exempt Bonds Voluntary Closing Agreement Program) and take such corrective action when necessary and appropriate.
- E. The Compliance Officer will review post-issuance compliance procedures and systems on a periodic basis, but not less than annually.

Issuance of Obligations - Documents and Records

With respect to each issue of Obligations, the Compliance Officer will:

- A. Obtain and store a closing binder and/or CD or other electronic copy of the relevant and customary transaction documents (the "Transcript").
- B. Confirm that bond counsel has filed the applicable information report (e.g., Form 8038, Form 8038-G, Form 8038-CP) for such issue with the IRS on a timely basis.
- C. Coordinate receipt and retention of relevant books and records with respect to the investment and expenditure of the proceeds of such Obligations with other applicable staff members of the Issuer.

Arbitrage

The Compliance Officer will:

- A. Confirm that a certification of the initial offering prices of the Obligations with such supporting data, if any, required by bond counsel, is included in the Transcript.

- B. Confirm that a computation of the yield on such issue from the Issuer's financial advisor or bond counsel (or an outside arbitrage rebate specialist) is contained in the Transcript.
- C. Maintain a system for tracking investment earnings on the proceeds of the Obligations.
- D. Coordinate the tracking of expenditures, including the expenditure of any investment earnings. If the project(s) to be financed with the proceeds of the Obligations will be funded with multiple sources of funds, confirm that the Issuer has adopted an accounting methodology that maintains each source of financing separately and monitors the actual expenditure of proceeds of the Obligations.
- E. Maintain a procedure for the allocation of proceeds of the issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures. This procedure shall include an examination of the expenditures made with proceeds of the Obligations within 18 months after each project financed by the Obligations is placed in service and, if necessary, a reallocation of expenditures in accordance with Section 1.148-6(d) of the Treasury Regulations.
- F. Monitor compliance with the applicable "temporary period" (as defined in the Code and Treasury Regulations) exceptions for the expenditure of proceeds of the issue, and provide for yield restriction on the investment of such proceeds if such exceptions are not satisfied.
- G. Ensure that investments acquired with proceeds of such issue are purchased at fair market value. In determining whether an investment is purchased at fair market value, any applicable Treasury Regulation safe harbor may be used.
- H. Avoid formal or informal creation of funds reasonably expected to be used to pay debt service on such issue without determining in advance whether such funds must be invested at a restricted yield.
- I. Consult with bond counsel prior to engaging in any post-issuance credit enhancement transactions or investments in guaranteed investment contracts.
- J. Identify situations in which compliance with applicable yield restrictions depends upon later investments and monitor implementation of any such restrictions.
- K. Monitor compliance with six-month, 18-month or 2-year spending exceptions to the rebate requirement, as applicable.
- L. Procure a timely computation of any rebate liability and, if rebate is due, to file a Form 8038-T and to arrange for payment of such rebate liability.
- M. Arrange for timely computation and payment of "yield reduction payments" (as such term is defined in the Code and Treasury Regulations), if applicable.

Private Activity Concerns

The following relates to the monitoring and tracking of private uses and private payments with respect to facilities financed with the Obligations.

The Compliance Officer will:

- A. Maintain records determining and tracking facilities financed with specific Obligations and the amount of proceeds spent on each facility.
- B. Maintain records, which should be consistent with those used for arbitrage purposes, to allocate the proceeds of an issue and investment earnings to expenditures, including the reimbursement of pre-issuance expenditures.
- C. Maintain records allocating to a project financed with Obligations any funds from other sources that will be used for otherwise non-qualifying costs.
- D. Monitor the expenditure of proceeds of an issue and investment earnings for qualifying costs.
- E. Monitor private use of financed facilities to ensure compliance with applicable limitations on such use. Examples of potential private use include:
 1. Sale of the facilities, including sale of capacity rights;
 2. Lease or sub-lease of the facilities (including leases, easements or use arrangements for areas outside the four walls, e.g., hosting of cell phone towers) or leasehold improvement contracts;
 3. Management contracts (in which the Issuer authorizes a third party to operate a facility, e.g., cafeteria) and research contracts;
 4. Preference arrangements (in which the Issuer permits a third party preference, such as parking in a public parking lot);
 5. Joint-ventures, limited liability companies or partnership arrangements;
 6. Development agreements which provide for guaranteed payments or property values from a developer;
 7. Grants or loans made to private entities, including special assessment agreements; and
 8. Naming rights arrangements.

Monitoring of private use should include the following:

1. Procedures to review the amount of existing private use on a periodic basis; and
2. Procedures for identifying in advance any new sale, lease or license, management contract, sponsored research arrangement, output or utility contract, development agreement or other arrangement involving private use of financed facilities and for obtaining copies of any sale agreement, lease, license, management contract, research arrangement or other arrangement for review by bond counsel.

If the Compliance Officer identifies private use of facilities financed with tax-exempt or tax-advantaged debt, the Compliance Officer will consult with the Issuer's bond counsel to determine whether private use will adversely affect the tax status of the issue and if so, what remedial action is appropriate. The Compliance Officer should retain all documents related to any of the above potential private uses.

Qualified Tax-Exempt Obligations

If the Issuer issues "qualified tax-exempt obligations" in any year, the Compliance Officer shall monitor all tax-exempt financings (including lease purchase arrangements and other similar financing arrangements) to assure that the \$10,000,000 "small issuer" limit is not exceeded, if applicable.

Federal Subsidy Payments

The Compliance Officer shall be responsible for the calculation of the amount of any federal subsidy payments and the timely preparation and submission of the applicable tax form and application for federal subsidy payments for tax-advantaged obligations such as Build America Bonds, New Clean Renewable Energy Bonds and Qualified School Construction Bonds.

Reissuance

The following policies relate to compliance with rules and regulations regarding the reissuance of Obligations for federal law purposes.

The Compliance Officer will identify and consult with bond counsel regarding any post-issuance change to any terms of an issue of Obligations which could potentially be treated as a reissuance for federal tax purposes.

Record Retention

The following relates to retention of records concerning the Obligations issued.

The Compliance Officer will:

- A. Coordinate with staff regarding the records to be maintained by the Issuer to establish and ensure that an issue remains in compliance with applicable federal tax requirements for the life of such issue.
- B. Coordinate with staff to comply with provisions imposing specific recordkeeping requirements and cause compliance with such provisions, where applicable.
- C. Coordinate with staff to generally maintain the following:
 1. The Transcript relating to the transaction (including any arbitrage or other tax certificate and the bond counsel opinion);
 2. Documentation evidencing expenditure of proceeds of the issue;
 3. Documentation regarding the types of facilities financed with the proceeds of an issue, including, but not limited to, whether such facilities are land, buildings or equipment, economic life calculations and information regarding depreciation.

4. Documentation evidencing use of financed property by public and private entities (e.g., copies of leases, management contracts, utility user agreements, developer agreements and research agreements);
 5. Documentation evidencing all sources of payment or security for the issue; and
 6. Documentation pertaining to any investment of proceeds of the issue (including the purchase and sale of securities, SLGs subscriptions, yield calculations for each class of investments, actual investment income received by the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- D. Coordinate the retention of all records in a manner that ensures their complete access to the IRS.
- E. Keep all material records for so long as the issue is outstanding (including any refunding), plus seven years.

Continuing Disclosure

Under the provisions of SEC Rule 15c2-12 (the "Rule"), underwriters are required to obtain an agreement for ongoing disclosure in connection with the public offering of securities in a principal amount in excess of \$1,000,000. Unless the District is exempt from compliance with the Rule as a result of certain permitted exemptions, the Transcript for each issue of Obligations will include an undertaking by the Issuer to comply with the Rule. The Compliance Officer of the District will monitor compliance by the Issuer with its undertakings, which may include the requirement for an annual filing of operating and financial information and will include a requirement to file notices of listed "material events."

VCAP

The District is aware of the Internal Revenue Service's Tax Exempt Bond Voluntary Closing Agreement Program (VCAP). VCAP is a program to encourage issuers and other parties to the tax-advantaged bond transaction to exercise due diligence in complying with the Code and applicable Regulations and to provide a vehicle to correct violations of the Code and applicable Regulations as expeditiously as possible. As such, VCAP is appropriate when the issuer (and any other parties) submitting the request work with CPM in good faith and proceed toward resolution of the matter with due diligence throughout the process.

Legal References: South Dakota Constitution, Article XIII, Section Four

SDCL:

13-16-1 Sources of school district funds

13-16-2 Funds to comport with generally accepted accounting principles

13-16-6 Definition and use of capital outlay fund-Levy required

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4 13-16-7 Additional tax levy for certain funds or obligations-Pledge to
5 payment of installments or certificates-Remedies for
6 enforcement
7 13-16-8 Bond and certificate proceeds placed in capital outlay fund
8 13-16-9 Expenditure of money from capital outlay fund
9 Ch. 13-19 School District Bonds and Notes

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11 US Code: Title 26
12 26 Code of Federal Regulations
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14

15
16 Regulation Board Action
17 Adopted: 06-09-14 36932



SIOUX FALLS SCHOOL DISTRICT

Policies and Regulations

NEPN Code: GBED

Personnel

Tobacco-Free Schools/Use by Employees Prohibited

The Sioux Falls School District is dedicated to providing a healthy, comfortable, and productive environment for staff, students, and citizens. The Board is concerned about the health of its employees and also recognizes the importance of adult role modeling for students during formative years.

The use of tobacco, or vapor product, whether synthetic or natural, and regardless of nicotine content, and/or carrying any lighted or heated tobacco or vapor product, by District employees is prohibited on District property. This includes all enclosed indoor areas under the control of the District including work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways as well as District grounds, parking areas, sidewalks surrounding buildings, and District-owned vehicles.

Any employee who violates this policy will be subject to disciplinary action.

Legal References: SDCL 22-36-2 Smoking in public place or place of employment prohibited
34-46-14 Smoking in public or place of employment prohibited

Related Policies/Regulations:

JICG/~~JICG-R~~ – Tobacco-Free Schools/Use by Students Prohibited

KF/KF-R – Community/Staff Use of District Facilities/Properties/Equipment

Policy	Board Action (formerly 4133)
adopted:	08-14-89 24914D
amended:	09-27-93 27432.3f
amended:	03-27-00 29539
reviewed:	02-27-06 34355
amended:	01-10-11 35929
reviewed:	04-13-15 37178



SIOUX FALLS SCHOOL DISTRICT

Policies and Regulations

NEPN Code: JICG

Students

Tobacco-Free Schools/Use by Students Prohibited

The Sioux Falls School District is dedicated to providing a healthy, comfortable, and productive environment for staff, students, and citizens. The School Board believes that education has a central role in establishing patterns of behavior related to good health and shall take measures to help its students resist tobacco use. Materials related to tobacco use prevention are a part of the elementary and secondary curriculum.

The possession and use of all tobacco and vapor products, whether synthetic or natural, and regardless of nicotine content, by students is prohibited on District property. This shall include buildings, grounds, parking areas, sidewalks surrounding buildings, and District-owned/provided vehicles.

Any violation of this policy by students shall be subject to Policy/Regulation JK/JK-R – Student Discipline and Policy/Regulation JKD/JKD-R - Suspension/Expulsion of Students.

Visiting Students and Other Minors

Visiting students and other minors who are observed with tobacco or vapor products on District property will be reported to law enforcement. This shall include District buildings, grounds, parking areas, sidewalks surrounding buildings, and District-owned/provided vehicles. Signs and notices in program bulletins will remind visitors of the smokeTobacco-free environment policy.

Legal References: SDCL

22-36-2 Smoking in public place or place of employment prohibited

34-46-14 Smoking in public or place of employment prohibited

Related Policies/Regulations:

~~JBEDGBED/JEBD-R~~ – Tobacco-Free Schools/Use by Employees Prohibited

JK/JK-R – Student Discipline

JKD/JKD-R – Suspension/Expulsion of Students

KF/KF-R – Community/Staff Use of District Facilities/Properties/Equipment

Policy	Board Action	(formerly 5000c)
adopted:	08-14-89	24914D
amended:	03-27-00	29539
amended:	10-23-06	34559
amended:	02-28-11	35982
reviewed:	04-13-15	37178



SIOUX FALLS SCHOOL DISTRICT

Policies and Regulations

NEPN Code: JLG

Students

Instruction/Programs for Homeless Students

The School Board shall make reasonable efforts to identify homeless children within the Sioux Falls School District, encourage their enrollment, and eliminate barriers to their education which may exist in District policies or practices, in compliance with all applicable federal and state laws.

Homeless students, as defined by federal and state statutes, residing within the District or residing in temporary shelters in the District, are entitled to free school privileges. No child or youth in the public schools shall be discriminated against or stigmatized because of homelessness.

Legal References:

McKinney-Vento Homeless Education Assistance Improvement Acts of 2001
42 USC § 11431 et seq.

Policy		Board Action
adopted:	08-13-07	37812
reviewed:	05-23-11	36060
reviewed:	02-11-13	36555
reviewed:	08-11-14	36976
reviewed:	08-24-15	37275



SIOUX FALLS SCHOOL DISTRICT

Policies and Regulations

NEPN Code: JLG-R

Students

Instruction/Programs for Homeless Students

School of Origin

It is the School District's responsibility to provide continued education services for homeless students. Such services for the child may be:

- continuation in the school of origin that the student attended when permanently housed or the school of last enrollment; or
- provided in the school that is attended by other students living in the same attendance area where the homeless child lives.

The District considers the best interest of the homeless student, with parental involvement, in determining placement.

Enrollment

The school shall immediately enroll the homeless student even if he or she is unable to produce records normally required for enrollment, including academic records, immunization records, proof of residency or other documentation. The District shall make a reasonable effort to locate immunization records from information available.

The District shall arrange for students to receive immunizations through health agencies and at District expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provision of the School Board's policy on immunizations. The District may require a parent or guardian of a homeless student to submit contact information.

Transportation

Transportation services will be comparable to those provided other students in the selected schools. Transportation shall be provided to the student's school of origin in compliance with federal and state regulations.

Elimination of Segregated Services

Homeless students shall be provided services comparable to services offered to other students in the District including, but not limited to, transportation services; educational services for which the student meets the eligibility criteria, such as education programs for disadvantaged students, students with disabilities and gifted students; vocational programs and technical education; school nutrition programs; preschool programs; before and after school care programs; and programs for students with limited English proficiency. Homeless students will not be segregated in a separate school or in a separate program within a school based on the students' status as homeless.

Elimination of Identified Barriers

The District administration shall attempt to remove existing barriers to school attendance. Enrollment requirements or fees and charges that may constitute a barrier to the enrollment or education of a homeless child or youth may be waived at the discretion of the Superintendent. In the event a fee or charge are a barrier, parents/guardians of homeless children should contact the Student Support Services Department to report the barrier. The Student Support Services Department will communicate with the Superintendent for removal of the fee or charge.

Resolution of Disputes Regarding Homeless Education

Disputes regarding enrollment of, or services for, homeless students shall be referred in writing to the ~~Interim~~ Assistant Superintendent of Administrative Services. Parents/guardians or other adult or an unaccompanied youth can provide written or oral documentation to support their position. Students shall be provided with all services for which they are eligible while disputes are being resolved. The Assistant Superintendent will provide a written statement of his/her decision within 10 student days of receiving the written dispute and any accompanying written or oral documentation.

If a dispute is not resolved at the Assistant Superintendent level, the individual may file a written appeal with the Superintendent in accordance with Policy KE within 10 student days of receipt of the written decision of the Assistant Superintendent. If a dispute is not resolved at the District level, it may be forwarded by the individual to the South Dakota Department of Education for review.

At any time this dispute process requires a written appeal, the parents/guardians, other adult, or unaccompanied youth may make this formal request orally to an Administrator or the homeless liaison; that person will transcribe the oral report into writing.

When inter-district disputes arise, the individual, all involved districts and the South Dakota Department of Education shall be present to resolve the dispute.

Legal References:

McKinney-Vento Homeless Education Assistance Improvement Acts of 2001
42 USC § 11431 et seq.

Regulation		Board Action
Approved:	08-13-07	37812
Revised:	05-23-11	36060
Revised:	02-11-13	36555
Reviewed:	08-11-14	36976

1 Reviewed: 08-24-15 37275



SIOUX FALLS SCHOOL DISTRICT

Policies and Regulations

NEPN Code: KF

School/Community/Home Relations

Community/Staff Use of District Facilities/Properties/Equipment

Community Use of District Facilities/Properties/Equipment

The Sioux Falls School Board, as a community service, permits the use of Sioux Falls School District facilities/properties/equipment by local businesses and community groups for activities of an educational, cultural, civic, social, recreational, governmental and non-partisan political nature which are sponsored by local organizations, agencies, or institutions.

The Board allows local non-profit and/or civic organizations to utilize District facilities for uses consistent with the above. Subject to the approval of the Board, the Superintendent is directed to maintain procedures which implement the use of District facilities/properties/equipment and the Business Manager is directed to establish fees/charges for such use.

Local businesses may use District facilities/properties/equipment for non-commercial purposes only.

District facilities are not available for commercial or for-profit activities except as provided in KHBA-R.

Prohibited uses include:

- any purpose in conflict with school activities
- any activity promulgating any theory or doctrine subversive to the laws of the United States or any political subdivision thereof advocating governmental change by violence
- any activity that may violate the canons of good morals, manners or taste, or be injurious to the buildings, grounds or equipment
- commercial advertising
- partisan political meetings
- activities which are discriminatory in the legal sense
- private activities including, but not limited to, wedding receptions, funerals and memorial services
- private teaching for which there is a tuition charge either by employees of the District or by any other outside agencies or persons. (The Board may, at its discretion, enter into contract agreements with state-supported institutions of higher learning to offer tuition courses in District facilities.)

District facilities and practice fields will not be available for uses which may have an adverse effect, such as damage to the facility/grounds or unacceptable difficulty in cleaning and maintaining the facility/grounds.

Prohibition of Drugs, Alcohol and Tobacco

The use of drugs, alcohol, and tobacco or vapor product, whether synthetic or natural, and regardless of nicotine content, and/or carrying any lighted or heated tobacco or vapor product, is prohibited on/in District property/facilities. This includes all enclosed indoor areas under the control of the District including work areas, restrooms, conference and class rooms, cafeterias and hallways as well as District grounds, parking areas, sidewalks surrounding buildings, and District-owned vehicles. Visitors who are observed using tobacco or vapor products on District property will be asked to refrain from doing so and/or asked to vacate District property while doing so. Signs will remind visitors of the smoke/tobacco-free environment policy.

Liability

Any person, persons, organization or public body using District facilities/properties/equipment is responsible to the District for any and all damages that may be caused by reason of the use or occupancy.

The District is not liable for any suit for damages, including but not limited to personal injuries, which might arise as a result of such use or occupancy, regardless of the cause of the injury, including the design, maintenance, and condition of the facility/property/equipment.

Legal references: SDCL 13-24-20 Use of school facilities or busses for other community or commercial purposes - compensation - liability for damages
~~22-36-2 Smoking in public place or place of employment prohibited~~
34-46-14 Smoking in public or place of employment prohibited

Related Policies/Regulations:

GBEC – Drug-Free Work Place
GBED – Tobacco-Free Schools/Use by Employees Prohibited
~~JICG/JICG-R~~ – Tobacco-Free Schools/Use by Students Prohibited
JJAB/JJAB-R – Limited Open Forum
KHBA/KHBA-R - Commercial Activities
KHC – Distribution/Posting of Informational/Political Materials

Policy	Board Action #	(formerly 1330 & 3270)
adopted: 05-28-68		
amended: 07-14-69		
amended: 05-08-72		
amended: 04-12-76		
amended: 02-13-95	27932	
amended: 08-14-95	28225	

1	amended:	11-25-96	28663
2			
3			
4			
5			
6			
7	reviewed:	06-13-05	34116
8	amended:	04-28-08	35034
9	amended:	01-10-11	35932
10	reviewed:	09-12-11	36163
11	reviewed:	06-10-13	36646
12	reviewed:	04-13-15	37178



SIOUX FALLS SCHOOL DISTRICT

Policies and Regulations

NEPN Code: KF-R

School/Community/Home Relations

Community/Staff Use of District Facilities/Properties/Equipment

Community Use of District Facilities/Properties/Equipment

Requests

The Sioux Falls School Board allows, as a community service, local businesses and non-profit and/or civic organizations to use Sioux Falls School District facilities/properties/equipment for educational, recreational, cultural, civic, social, governmental and non-partisan political activities.

Any local non-profit or civic organization ("organization") wishing to use District facilities/properties/equipment must submit a written request to the Office of Community Relations at least 20 working days prior to the date requested to ensure time for Community Relations staff to complete a Lease Agreement, receive certification of Insurance coverage, and notify all parties concerned. Organizations may be asked to submit documentary proof of non-profit status.

District facilities/properties/equipment are not available for commercial activities except as provided in Regulation KHBA-R. "Commercial" is defined as any activity, event, or performance conducted for the purpose of making a profit or selling or promoting a product or service. Activities that involve marketing or solicitation, direct or indirect, of District employees or the general public are considered to be commercial and are disallowed under this policy.

Local businesses ("businesses") may use District facilities/properties/equipment for non-commercial purposes only. Businesses may be asked to submit a Statement of Purpose verifying that the activity is non-commercial in nature.

All requests for District facility/property/equipment use must be made by an officer of the organization/business and each organization/business must carry liability insurance for the event.

Organizations/Businesses holding regular meetings throughout the year need file only one request at the beginning of the year. However, special events sponsored by such organizations/businesses must be covered by a separate request and Lease Agreement whenever they occur. Requests for the use of District facilities/properties/equipment must be renewed each year.

All activities must be under the sponsorship and supervision of competent adult(s) who are directly responsible to the organization/business requesting use of the facility/property/equipment. Each group is responsible for the behavior of its members. When participants are under 18 years old, minimum supervision is one adult to 25 participants.

District administrators, the building principal, the events coordinator or the custodian on duty have the right to terminate any activity at any time if, in his/her judgment, there are violations of Board Policy, federal, state, or municipal laws, or if the activity is deemed to be hazardous to people, buildings, or equipment. The Board reserves the right to revoke any lease, without liability, should such action be deemed necessary or desirable.

Insurance coverage

Organizations/Businesses that use District facilities/properties/equipment must have in force, with insurers licensed to do business in the state of South Dakota, comprehensive general liability insurance with limits of no less than \$1,000,000 per occurrence and which includes coverage for defense costs. In addition, every organization/business shall provide, on a replacement cost basis and with limits of no less than \$300,000 per occurrence, (1) Damage to Rented Premises coverage or (2) Broad Form or Special Form property insurance that includes as Covered Property any School District property used by the organization/business. Every organization/business shall provide a current policy of insurance establishing these requirements are met prior to using District facilities/properties/equipment. The District reserves the right to request it be named an additional insured on any such insurance policies.

Any person(s), organization or public body using District facilities/properties/equipment is responsible to the District for any and all damages that may be caused by reason of the use or occupancy. "Any and all damages" shall mean replacement costs. The District is not liable in any suit for damages which might arise as a result of such use or occupancy.

Neither the Board, District, nor any officer or employee of the District, is liable for any injury that occurs as a result of the use of the facility/property/equipment regardless of the cause of the injury, including the design, maintenance and condition of the facility/property/equipment.

Priorities for Use

The use of the building by a non-school organization/business may not interfere with District activities including restricting or limiting the normal instructional program carried on during regular school hours.

Priorities for use of District facilities outside of school hours will be as follows:

1. school-related activities or any meetings established by District administration
2. joint use agreements with the City of Sioux Falls and the Sioux Falls Park and Recreation Board
3. approved grades 6-12 non-school sponsored student clubs pursuant to Policy/Regulation JJAB/JJAB-R
4. activities and programs sponsored by non-profit organizations for K-12 students
5. activities and programs sponsored by non-profit organizations for the general public
6. non-commercial activities sponsored by local businesses

7. employee use for a non-school organization
8. employee personal use.

Established religious groups may use District facilities/properties/equipment for religious services in the event of emergency or the organization of a new body, for a period of up to one year with the purpose of providing time to build or acquire their own facility. If at the end of one year the established religious group is actively engaged in providing its own facilities, but has not yet completed them, the use of District facilities/properties/equipment may continue for so long as efforts continue, up to a maximum of three years.

Time Limitations

Use of District facilities/properties/equipment for youth-serving organizations or activities involving youth, including school-sponsored parent groups, is not permitted on Wednesday nights between the first and last day of student attendance.

Use of District facilities/properties/equipment for youth-serving organizations or activities involving youth, including school sponsored parent groups, inclusive of set-up and take-down/clean-up time, on Sundays may occur only between the hours of 11 a.m. to 7 p.m. between the first and last day of student attendance.

Heating/Cooling During Building Shutdowns

Use of District facilities/properties/equipment may be authorized during periods in which energy conservation measures are in place. Organizations/Businesses may request heating/cooling of space and will be charged for those comforts at actual cost determined by the Director of Operational Services.

Lease Agreements

A Lease Agreement must be signed by an officer of the requesting organization/business and the Community Relations Supervisor.

Organizations/Businesses that receive approval to use District facilities/properties/equipment must return a signed Lease Agreement and full payment to the Office of Community Relations upon receipt of the invoice.

The facility/property/equipment is reserved when the organization/business returns the signed Lease Agreement and payment to the Office of Community Relations.

District facility/property/equipment use is restricted to the dates, hours and areas specified in the Lease Agreement.

The organization/business shall not assign or sublet District facility/property/ equipment or any part of the facility/property/equipment to any other user. The organization/business shall be responsible for using the facility/property/equipment for the purpose described in the Lease Agreement.

1 Compensation to District for Use Fees will be assessed for the use of District
2 facilities/properties/ equipment based upon costs of operating expenses that would not
3 otherwise have been incurred. This includes items such as utilities, supplies,
4 maintenance, employees - including custodial and cafeteria workers/services - as well
5 as administrative services necessary to process each request and Lease Agreement.
6 Fees/Charges are subject to change as the Business Manager may deem necessary.

7
8 All fees/charges are computed on an hourly rate beginning with the time the building is
9 required to be open and ending with the time the building is no longer occupied.

10
11 Organizations that contract to hold regular meetings at a District facility/property
12 throughout the year may request to be billed monthly or quarterly. Payment is due
13 within 30 days of mailing date.

14
15 The District may also waive fees/charges for the following groups:

- 16 • school-sponsored parent groups
- 17 • employee associations for regular meetings which are not fund-raising
18 activities
- 19 • state or regional teacher subject area association meetings
- 20 • groups sponsoring educational meetings or activities in which school-age
21 students are involved or for which teacher attendance is in the interest of the
22 District
- 23 • other governmental units
- 24 • Non-profit youth groups, including use of gym for practice sessions.
 - 25 ○ Practice sessions do not involve the presence of spectators other than
26 parents who accompany their children. Each user group will be given
27 equal opportunity in the scheduling of rent-free practice sessions.
28 Groups wishing to establish a year-long gym schedule will submit
29 requests in writing to the Office of Community Relations no later than
30 July 15 of each year. When more than one group requests the same
31 time slot, assignment will be determined by lottery.
 - 32
 - 33 ○ When the principal schedules a school or PTA activity that conflicts
34 with practice sessions, the principal will notify the
35 organization/business that their practice session is canceled, giving
36 one week's notice.

37
38 Groups, other than those listed, who wish to request a waiver of fees/charges will
39 submit a request in writing to the Office of Community Relations. If fees/charges are
40 waived, the waiver shall be identified in the Lease Agreement.

41
42 In lieu of a Lease Agreement, the Superintendent may enter into a Memorandum of
43 Understanding with governmental agencies or non-profit organizations for reciprocal
44 use (at no charge) of District facilities/properties/equipment for emergency management
45 purposes.
46

Cancellations/Conflicts

Cancellation of a signed Lease Agreement must be received at least two working days prior to the date of use. Failure to cancel shall obligate the organization/business to pay for all custodial and other expenses incurred in specifically preparing and opening the facility/property to meet the conditions of the Lease Agreement.

The District reserves the right, in the event of an emergency requiring the use of the facility for a school event or adverse weather conditions, to cancel the Lease Agreement without penalty to the District. All use of District facilities/properties/equipment by outside groups is automatically canceled when District schools are closed due to inclement weather or other conditions.

Supervision

A custodian must be on duty whenever an outside organization/business uses District elementary or middle school facilities/properties/equipment.

A custodian or events coordinator must be on duty whenever an outside organization/business uses District high school facilities/properties/equipment.

Compensation for the custodian's time at time and one-half of the employee's hourly rate will be charged pursuant to the Lease Agreement.

Custodial staff or an events coordinator will see that the applicable section of the building is open/closed at the designated time, any requested set-up arrangements have been completed and will be available to respond in case there is a building emergency.

The custodian or events coordinator will not permit an organization/business to enter a District facility/property unless a Lease Agreement has been signed and payment has been received. If the organization/business is a youth group, the custodian or events coordinator will not permit entry to the facility/property unless the adult leader is present. It is the responsibility of the adult leader to permit entry only to those authorized to attend. The leader is responsible for seeing that the last member leaves the facility at the end of the activity.

The custodian or events coordinator has the responsibility and authority to restrict use to those hours and areas specified in the Lease Agreement. The custodian or events coordinator shall report any property/equipment damages to the building principal and to the Director of Operational Services the next business day.

Custodial staff or events coordinators have the authority to ask organizations/businesses to leave the premises if members violate District policy or the terms of the Lease Agreement. Reason for discontinuation of the activity shall be reported to the building principal and Director of Operational Services the next business day.

Alcohol, Drug and Tobacco Free Environment

The use of drugs, alcohol, and tobacco, or vapor product, whether synthetic or natural, and regardless of nicotine content, and/or carrying any lighted or heated tobacco or vapor product, is prohibited on/in District property/facilities. This includes all enclosed indoor areas under the control of the District including work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways as well as District grounds, parking areas, sidewalks surrounding buildings, and District-owned vehicles.

Only cans, bottles, or containers purchased at the concession stand will be allowed inside school auditoriums, gymnasiums, and at Howard Wood Field. During all-day extra curricular activities, only participants will be allowed to bring coolers. Coolers are subject to inspection.

Tailgate parties on District premises shall be free of alcohol, drugs, and tobacco pr vapor products.

Gymnasiums

Only shoes that will not cause damage to the floor may be worn. Use of resin or other substances on floor surfaces is not permitted.

Folding bleachers and partitions should be operated only by custodial personnel.

Organizations/Businesses are permitted to use the shower room facilities; however, in such cases the leader is to discontinue gymnasium activities no later than one-half hour before scheduled dismissal time.

All recreational equipment is to be furnished by the organization using the facility/property. Organizations/Businesses wishing to use school equipment shall obtain approval as part of the Lease Agreement.

Cafeteria/Kitchen

A Child Nutrition Services employee must be present if the District's kitchen/kitchen equipment will be used. No meals will be prepared or equipment used except under the supervision of a Child Nutrition Services employee. The employee will supervise the use of kitchen equipment and will operate burners and ovens if they are used.

Compensation for the employee's time at time and one-half of the employee's hourly rate will be charged to the organization/business using the kitchen/kitchen equipment pursuant to the Lease Agreement.

If a meal is catered, Child Nutrition Services may provide a small unit for making or warming coffee. Also, if prior arrangements are made, a hot cart for keeping food warm will be provided.

The organization/business is to furnish dishes, silverware and other serving or cooking utensils needed. The organization/business using the cafeteria will see that tables,

1 floors and equipment are clean, all decorations are removed and garbage and waste
2 are disposed of at the direction of the District employee on duty.

3
4 Tables and other equipment in the cafeteria are not to be moved without the permission
5 of the principal, the building custodian, and/or a Child Nutrition Services employee.

6 7 **Lighting and Sound Equipment**

8 Requests that require use of District light and/or sound systems/equipment are subject
9 to approval on the basis of availability of District employees who are qualified to operate
10 the equipment. The organization/business using the facility will be billed for the District
11 employee's time at time and a half of the employee's hourly wage pursuant to the Lease
12 Agreement.

13 14 **District Grounds**

15 Organizations/Businesses requesting use of District grounds for public events will
16 complete a Lease Agreement.

17
18 Portable rest rooms at the expense of the organization/business may be required for
19 activities and tournaments. Water and electricity may not be available from District
20 sources.

21
22 As a community service, organizations/businesses may use unlocked District grounds
23 for practice sessions as long as the use does not conflict with school programs. This
24 use does not include access to building facilities or any locked District grounds.
25 Organizations/Businesses are responsible for care of the grounds and removal of litter
26 and will be held responsible for any property damage occurring at the time of use. Any
27 person, organization or public body using District grounds for practice sessions is
28 responsible to the District for any and all damages that may be caused by reason of the
29 use or occupancy. "Any and all damages" shall mean replacement costs. The District is
30 not liable in any suit for damages which might arise as a result of such use or
31 occupancy.

32 33 **Equipment**

34 Equipment belonging to the District is not available for use by non-school groups unless
35 specified in the Lease Agreement.

36
37 District equipment is not available for use off District premises unless it is beneficial to
38 the District in carrying forward the mission and goals of the District and must have
39 permission of the building or department administrator. Non-school groups will sign a
40 Statement of Responsibility before taking equipment off site.

41 42 **Dakota Digital Network (DDN)**

43 If an organization/business wishes to schedule use of the Dakota Digital Network (DDN)
44 equipment, the organization/business will follow District policy regarding facility use by
45 non-school organizations/businesses. A Lease Agreement and custodial or events
46 coordinator supervision is required.

Howard Wood Field

Organizations/Businesses that lease Howard Wood Field from the Sioux Falls Sports Authority are governed by the rules and regulations pertaining to the Sioux Falls Sports Authority lease agreement with the District.

Organizations/Businesses that lease Howard Wood Field directly from the District shall comply with the rules and regulations governing the use of the field as established by District administration.

The organization/business will furnish a statement of seating arrangement and proposed concession prices (other than food) not later than three weeks prior to the date of use, on forms as prescribed by the Finance Office. If the same ticket prices, seating arrangements, and concession prices will be used for all games, the organization/business may furnish one statement.

The organization/business will furnish a report of ticket sales, gross admissions, and concessions not later than one week following each date of use on forms as prescribed by the Finance Office.

The number of admissions shall be determined from the turnstile mechanical counters by District personnel at the close of the third quarter of football games. A copy of the number of admissions shall be furnished to the organization/business for the preparation of the admission report.

There will be no changes made in any utility hookups or wiring without the prior approval of the Coordinator of Physical Education/Athletics and the Director of Operational Services. Upon approval, these changes will be made at the organization's/business' expense and by a qualified contractor who is satisfactory to the District.

The organization/business will furnish adequate supervisory personnel to include:

- ticket sellers
- gate personnel
- police
- parking attendants, if necessary
- public address system announcer

The District will furnish supervisory personnel with necessary keys to admit the organization/business to all facilities.

No vehicles will be driven on the field or running track.

1 The organization/business is responsible for the expense of snow removal from Howard
2 Wood Field and adjacent parking area, if the decision to use Howard Wood Field is
3 made by the organization/business following a snow.

4
5 The cost of this removal would include the overtime rate of necessary District
6 employees and the rental fee of snow removal equipment or snow blowers.

7
8 The final decision to permit heavy equipment on the field rests with the Director of
9 Operational Services and the Coordinator of Physical Education/Athletics.

10
11 The Director of Operational Services or the Coordinator of Physical Education/Athletics
12 may cancel any scheduled event due to equipment failure, inclement weather, or other
13 unforeseen emergency.

14
15 **A. Football**

16 The football field will be properly prepared for all games by District personnel.
17 Yardage stakes and down box will be furnished by the District.

18
19 Operators for the scoreboard and public address system controls will be
20 furnished by the District. The organization/business will furnish the announcer
21 for the public address system.

22
23 Practice sessions on the field may be arranged with the Coordinator of
24 Physical Education/Athletics, providing that no game is scheduled on the date
25 desired.

26
27 The organization/business will not allow spectators on the field except for
28 cheerleaders and photographers and other persons taking part in ceremonies
29 or presentations.

30
31 **B. Dressing Rooms**

32 Dressing rooms will be assigned by the Coordinator of Physical Education/
33 Athletics. The organization/business will furnish all towels.

34
35 **C. Concession Rights**

36 Concession rights, as specified by the Board belong to and are retained by the
37 District.

38
39 A concession operator will be contracted by the Board to handle the sale of
40 food and beverage items for all scheduled events. Cigarettes, tobacco
41 products and alcoholic beverages shall not be sold.

42
43 The rights and privileges to operate the food concession shall apply to all
44 District events or District-leased events. It is understood that the District may
45 schedule other events at the field, in which case the District reserves the right
46 to require the concessionaire to operate the food concession for the events; it
47 being further understood that in this case the District would provide reasonable

advance notice to the concessionaire. Specifically excluded from the foregoing is the Howard Wood Dakota Relays. In the event that it should prove to be in the best interest of the District and the concessionaire not to open the food concession for any scheduled event, that decision must be made with the mutual consent of the Coordinator of Physical Education/Athletics for the District and the concessionaire.

The awarding of the contract for the rights and privileges shall be granted to the party whose total commission and scoreboard advertising revenue to the District is greatest over a specific period of time. It is understood that the District reserves the right to determine in respect to the "other events" as described above, whether the organization/business would receive any part or all of the percentage of return of gross sales dollars, after tax, from the food concessions.

The concessionaire shall furnish the Coordinator of Physical Education/Athletics with a report of concessions not later than one week after the event.

The Board will retain all of the gross receipts for the concession rights.

Staff Use of District Facilities/Properties/Equipment

Employee Use For Non-School Organization

If an employee wishes to schedule use of District facilities/properties/equipment for a non-school organization, a Lease Agreement and custodial or events coordinator supervision are required.

In some instances, the Superintendent or designee may waive the requirement for custodial or events coordinator supervision if a District employee agrees to accept responsibility for the non-school organization. The employee will then be fully responsible for securing the building, leaving it in a clean and usable condition for the next school day, and paying any damages (at replacement costs) incurred as a direct result of the use. A Statement of Responsibility will be signed and included as an attachment to the required Lease Agreement.

Employee Personal Use

As a community service, employees may use District buildings for non-commercial personal use. The employee must obtain permission from the building principal and accept full responsibility for securing the building, leaving it in a clean and usable condition for the next school day, and paying any damages, at replacement cost, incurred as a direct result of the use.

A Statement of Responsibility must be signed by the employee including an assurance that the employee is personally responsible to advise all participants that such use of the building is being provided as a community service and that, pursuant to state law,

the District is not liable in any suit for damages which might arise as a result of such use or occupancy.

Equipment

District employees will sign a Statement of Responsibility before taking equipment off the premises.

Open Gym

District employees may provide open gym for students during non-school hours. Employees may participate in open gym activities if their participation does not violate another District policy or rule and the employee has executed a waiver. District employees who participate in these activities are outside the scope of their employment.

Coaches may supervise open gym, but may not coach during that time. Supervision includes observing the activity but does not include participating in the open gym activity. Coaches may participate in open gym activities only if their participation does not violate another District or SD High School Activities Association policy or rule. Coaches who participate in these activities are outside the scope of their employment.

The time and day(s) of the open gym shall be made known to the student body by the administration in a timely manner through announcements, bulletin board posting, articles in the school paper, etc. Participants must furnish their own clothing such as sweat suits, shorts, shoes, etc.

Use of Weight Room and Physical Fitness Equipment

When students are present, the weight room and use of physical fitness equipment is limited to use by the students under the supervision of a designated Weight Room Supervisor or a coach who is employed by the Sioux Falls School District to coach the athletic activity for which the weight room participants are training. Supervision includes and is limited to observing the activity or providing assistance with the equipment but does not include personal use of the equipment by employees. All Weight Room Supervisors and coaches must have completed a required training program on the proper use of the equipment before supervising student use.

Weight room and other physical fitness equipment may be available for personal use by District employees, including Weight Room Supervisors and coaches under the following conditions: Employees may not use the equipment during the eight-hour school day or when students are present. The employee must complete a required training program on the proper use of the equipment and execute a waiver. District employees who use the weight room and other physical fitness equipment for their personal use under this policy are outside the scope of their employment.

Legal references: SDCL 13-24-20 Use of school facilities or busses for other community or commercial purposes - compensation - liability for damages

~~22-36-2 Smoking in public place or place of employment prohibited~~

34-46-14 Smoking in public or place of employment prohibited

Related Policies/Regulations:

GBEC – Drug-Free Work Place

GBED – Tobacco-Free Schools/Use by Employees Prohibited

~~Related Policies/Regulations (cont):~~

JICG/~~JICG-R~~ – Tobacco-Free Schools/Use by Students Prohibited

JJAB/JJAB-R – Limited Open Forum

KHBA/KHBA-R – Commercial Activities

KHC – Distribution/Posting of Informational/Political Materials

Regulation	Board Action	(formerly 1330 & 3270)
approved: 05-28-68	13052	
revised: 05-08-72	14619	
revised: 07-12-79	18409	
revised: 01-28-80	18738	
revised: 04-27-81	19600	
revised: 11-09-81	19957	
revised: 04-08-85	22039	
revised: 07-14-86	22879	
revised: 02-17-89	24527	
revised: 07-08-91	26287R	
revised: 02-13-95	27932	
revised: 11-25-96	28663	
revised: 02-24-97	28726	
revised: 08-24-98	29148	
revised: 08-27-01	29933	
revised: 02-24-03	33447	
revised: 03-10-03	33457	
revised: 05-23-05	34106	
revised: 04-28-08	35034	
revised: 01-10-11	35932	
revised: 09-12-11	36163	
revised: 06-10-13	36646	
revised: 04-13-15	37178	